

March 25, 2020

VIA E-MAIL

Alyse Stoy
U.S. Environmental Protection Agency
Region VII SUPR/MOKS
11201 Renner Boulevard
Lenexa, KS 66219
Stoy.Alyse@epa.gov

Re: COVID-19 and Anticipated Impacts Work and Schedule;
Notice of Potential for Force Majeure

Dear Ms. Stoy:

On behalf of Respondents Cotter Corporation (N.S.L.) and Bridgeton Landfill, LLC ("Respondents"), we write to provide written notice of the potential for a force majeure event under the terms of the Administrative Settlement and Order on Consent ("ASAOC") for Operable Unit 1 ("OU-1") at the West Lake Landfill Superfund Site (the "Site"), due to the far-reaching impacts of the COVID-19 pandemic, including the likelihood that those impacts may extend to the requirements and obligations of the operative ASAOC, as amended, despite Respondents' best efforts. This letter supplements the oral notice that was provided on March 24, 2020.

Pursuant to Section XXI of the OU-1 ASAOC, this written notice provides information regarding those potential impacts. Respondents will supplement this notice as more information becomes available regarding the nature, scope, and duration of potential COVID-19 impacts.

Reasons for the potential delay: The COVID-19 pandemic has led multiple Federal, State, and local governments, including governments in the Site area and areas where key members of the OU-1 project teams live and work, to impose mandates limiting travel and work in offices and groups. These various restrictions are anticipated to potentially delay some elements of the work going forward, and particularly those that require specialized office equipment, field work, or meetings with agencies. These impacts in turn may delay preparation of some deliverables, due in part to the fact that employees of Respondents' consultants may not be able to access key equipment located in their offices and be forced to work remotely, therefore adversely impacting their efficiency and ability to complete deliverables required by the Statement of Work, including the Pre-final (90%) Remedial Design and its predecessor deliverables and field work. Respondents are not aware of any specific delay at this time.

Anticipated duration of the delay: The anticipated duration of any delays that may occur is unknown.

Actions taken or to be taken to prevent or minimize delay: Respondents and their contractors are exercising best efforts to fulfill their obligations under the ASAOC, as amended, including using best efforts to identify any potential events that would constitute a force majeure and best efforts to address the effects of any potential force majeure so that the delay and any

adverse effects of the delay are minimized to the greatest extent possible. Such efforts include transitioning to working remotely, including augmenting home technology, expanded use of meetings via telephone and Web-based services, other forms of electronic communication, scheduling/ rescheduling field work as soon as such work becomes feasible, and appropriately amending health and safety protocols in the field.

Schedule: Developing a new schedule is not yet appropriate, as Respondents are still not aware of any specific delay. We will continue to monitor the situation and alert you of changes that will impact the schedule.

As required under Section XXI of the OU-1 AOC, Respondents do not believe that the potential delays in work described above would cause or contribute to an endangerment to public health or welfare or the environment. Respondents will update this assessment as more specific information becomes available.

Please contact us if you have any questions or comments on this notice.

Regards,

MORGAN LEWIS & BOCKIUS, LLP

By: /s/ *Stephanie R. Feingold*

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Counsel for Cotter Corporation (N.S.L.)

LATHROP GPM LLP

By: /s/ *Cynthia Teel*

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Cc: Chris Jump – EPA Region 7
Lynn Juett – EPA Region 7
Tom Mahler – EPA Region 7
Diana Engeman – EPA Region 7
Ryan Seabaugh – Missouri Dept. of Natural Resources
Victoria Warren – On behalf of Bridgeton Landfill, LLC
Scott Sklenar – Exelon Corporation
Erin Fanning – Bridgeton Landfill, LLC
Dana Sincox – Bridgeton Landfill, LLC
Jeffery Murl – DOE-LM
Andrew Keim – DOE-LM
Cynthia Teel – Lathrop GPM LLP
Bill Beck – Lathrop GPM LLP
John McGahren – Morgan Lewis
Stephanie Feingold – Morgan Lewis
Steven Miller – U.S. Department of Energy
Philip Dupre – U.S. Department of Justice

Dan Feezor – Feezor Engineering
Jonathan Wilkinson – Feezor Engineering
Ray D'Hollander – Parsons Engineering
Paul Roth – Parsons Engineering
Gupta Ayushman – Parsons Engineering
Anne Burnham – Parsons Engineering
Paul Rosasco – EMSI
Tom Hansen – Ameriphysics